

1 WRIGHT, FINLAY & ZAK, LLP
2 Darren T. Brenner, Esq.
3 Nevada Bar No. 8386
4 Lindsay D. Dragon, Esq.
5 Nevada Bar No. 13474
6 7785 W. Sahara Ave., Suite 200
7 Las Vegas, NV 89117
8 (702) 475-7964; Fax: (702) 946-1345
9 dbrenner@wrightlegal.net
10 ldragon@wrightlegal.net

11 *Attorneys for Plaintiff, HSBC Bank USA, National Association, for the Ace Securities Corp. Home*
12 *Equity Loan Trust Series 2006-NC3, Asset Backed Pass-Through Certificates*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 HSBC BANK USA, NATIONAL
16 ASSOCIATION, FOR THE ACE SECURITIES
17 CORP. HOME EQUITY LOAN TRUST SERIES
18 2006-NC3, ASSET BACKED PASS-THROUGH
19 CERTIFICATES,

20 Plaintiff,

21 vs.

22 FIDELITY NATIONAL TITLE INSURANCE
23 COMPANY,

24 Defendant.

Case No.: 2:20-cv-00419-KJD-VCF

**STIPULATION TO 1) LIFT STAY, 2)
AMEND COMPLAINT AND 3) SET
RESPONSE DEADLINE**

25 Plaintiff, HSBC Bank USA, National Association, for the Ace Securities Corp. Home
26 Equity Loan Trust Series 2006-NC3, Asset Backed Pass-Through Certificates (“HSBC Bank”),
27 and Defendant Fidelity National Title Insurance Company (“Fidelity”) (collectively, the
28 “Parties”), hereby submit the following Stipulation to lift the stay, amend the Complaint, and to
set Fidelity’s response deadline pursuant to this Court’s Order [ECF No. 9]. The Parties, by and
through their undersigned counsel, stipulate and agree as follows:¹

¹ The Parties submit this stipulation without waiver to request a further stay from this Court. There are currently several matters before this Court involving the same defendants, same counsel, similar issues, with dispositive motions pending. See ECF Nos. 31 and 40 in *Deutsche Bank National Trust Company v. Fidelity National Title Group, Inc., et al.*, Case No. 2:21-cv-00192-KJD-NJK and ECF Nos. 56 and 70 in *Deutsche Bank National Trust Company v. Fidelity National Title Group, Inc., et al.*, Case No. 2:20-cv-01920-KJD-BNW. Additionally, the Parties

1 1. On February 28, 2020, HSBC Bank filed its Complaint against Fidelity [ECF No.
2 1];

3 2. Thereafter, on April 14, 2020, the Court granted the Parties' Stipulation to Stay
4 the instant action pending the appeal in *Wells Fargo Bank, N.A. v. Fidelity National Title Ins. Co.*,
5 Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-WGZ) ("*Wells*
6 *Fargo II*") [ECF No. 7];

7 3. On November 5, 2021, the Ninth Circuit issued its Memorandum Disposition in
8 *Wells Fargo II*, vacating the district court's decision granting dismissal of Wells Fargo's claims
9 and remanding for further proceedings. The mandate issued on November 29, 2021;

10 4. On April 27, 2022, this Court issued its Order requiring the Parties to file a
11 stipulation to lift the stay, including deadlines for HSBC Bank to amend its Complaint [ECF No.
12 9];

13 5. The Parties hereby agree that the stay shall be lifted;

14 6. The Parties further agree that HSBC Bank shall have thirty (30) days from the
15 entry of the order on this Stipulation to file its amended pleading;

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27 to this action are actively engaged in discovery in dozens of matters that are pending within this
28 jurisdiction, which may overlap and be duplicative of the discovery conducted in this case. To
conserve resources, the Parties are currently evaluating whether this case would benefit from a
further stay.

